

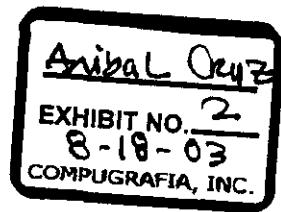
EXHIBIT A

1. Any and all documents, paper files, computer files, memorandums, letters, reports and writings of any kind in your possession related in any way to any of the following:
 - a. All contracts between the Department of Education and any other party pertaining to the Red EDUNET and/or Internet access for public schools and/or the construction of the infrastructure to provide Internet access for public schools in Puerto Rico.
 - b. All contracts between the Department of Education and any other party pertaining to the purchase of computers, computer software, electrical connections and/or teacher training for the operation of the Red EDUNET and/or Internet access for public schools in Puerto Rico.
 - c. The work performed by Data Research Corporation (including all its employees) for the construction of the infrastructure to provide internet access for public schools in Puerto Rico.
 - d. All directives and/or orders and/or memorandums issued by the Governor of Puerto Rico and/or César A. Rey-Hernández and/or César Miranda and/or any employee of the Department of Education related in any way to the cancellation of contracts between the Commonwealth of Puerto Rico and contractors who obtained government contracts during the administration of Governor Pedro Rosselló (including those related to the cancellation of contracts between Data Research

Corporation and the Department of Education and/or the Public Buildings Authority).

2. All FCC Forms, including Forms 470 and 471, submitted by the Department of Education to the Federal Communications Commission ("FCC"), the Universal Service Administrative Company ("USAC") and/or the Schools and Libraries Division ("SLD") at any time;
3. All responses from the Department of Education ("DOE") to USAC's request for evidence that DOE had "secured access to all resources...necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services" as certified by DOE on FCC Form 471 submitted to USAC.
4. The preliminary and final reports on the beneficiary review of DOE conducted by Arthur Andersen, L.L.P. at USAC's request.
5. All correspondence and materials submitted by DOE in response to the letter dated December 5, 2001 from George McDonald, USAC Vice President to César A. Rey-Hernández.
6. All correspondence between DOE and USAC.
7. All correspondence between DOE and FCC.
8. All correspondence between DOE and SLD.

Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO



DRC CORPORATION, ET AL.

SUBPOENA IN A CIVIL CASE

V.

CASE NUMBER: 02-1253 (JAG)

CÉSAR A. REY HERNÁNDEZ, ET AL.

**TO: Anibal Cruz
Departamento de Educación**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM U.S. DISTRICT COURT CLERK'S OFFICE SAFETY COURT	DATE AND TIME PM FILED
		103 JUL 1 2003 4:50 PM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
John F. Nevares & Associates, PSC, Caso Building Suite 1504, 1225 Ponce de León Avenue, Santurce, Puerto Rico	August 18, 2003 Commencing at 9:00a.m.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A**

PLACE	DATE AND TIME
John F. Nevares & Associates, PSC, Caso Building Suite 1504, 1225 Ponce de León Avenue, Santurce, Puerto Rico	August 18, 2003 Commencing at 9:00a.m.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
John F. Nevares, Esq. Counsel for Plaintiffs <i>John F. Nevares</i>	July 29, 2003

ISSUING OFFICER NAME, ADDRESS AND PHONE NUMBER
John F. Nevares & Associates, P.S.C., P.O. Box 13667, San Juan, Puerto Rico 00908-3667; Tel. (787) 722-9333 (See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

If action is pending in district other than district of issuance state district under case number.



Tel (787) 723-7621
.. (787) 723-7610

22 de agosto de 2001.

Sr. Adonay Ramírez,
Gerente de Proyectos
Departamento de Educación
Estado Libre Asociado de Puerto Rico

SITUACIONES ENCONTRADAS EN LAS ESCUELAS

En la reunión de "status" del proyecto ReEducate del pasado 15 de agosto de 2001, se nos solicitó que le informáramos al Departamento de Educación de Puerto Rico las situaciones que DRC Corporation se ha encontrado en la implantación del proyecto en las escuelas del sistema. Cumpliendo con esta solicitud a continuación le presentamos las situaciones y preocupaciones que afectan o pueden afectar su implantación.

1. Electricidad, como parte del procedimiento de la visita de nuestros técnicos a las escuelas de Fase II, éstos utilizando una extensión de 50' que DRC provee, conectan a los receptáculos de corriente más cercanos los equipos que se encuentran dentro del gabinete negro y los equipos a instalar (servidores, "back-up unit", etc.). En las escuelas de Fase I, se conectan a los receptáculos de corriente más cercanos los equipos a instalar con una extensión que DRC provee. Al hacerlo hemos experimentado lo siguiente:

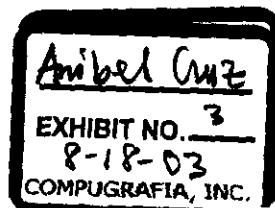
- a. El receptáculo más cercano puede estar en un salón contiguo, por lo que se ha preferido conectar el equipo, hacer las pruebas de rigor, y para evitar que la extensión pueda causar algún tipo de inconveniente a los maestros y/o estudiantes, retiramos la extensión y los dejamos desconectados.
- b. Cuando se conectan y se prenden los equipos el circuito eléctrico donde son conectados, se "cae". Se van prendiendo o conectando los equipos paulatinamente y según sean necesarios para configurarse y hacer las pruebas de rigor. En estos casos preferimos dejar los equipos instalados pero apagados.
- c. Se instalan, conectan y se dejan prendidos los equipos, al técnico salir de la escuela los mismos son apagados por personal de la escuela.
- d. En otro caso, en el área donde se instalaron los equipos, la cablería eléctrica se encontraba pero no tenía receptáculo. Mientras el técnico preparaba los equipos para su instalación y configuración la persona encargada del área envió a comprar el receptáculo, y con la ayuda de un electricista arreglaron la situación, finalmente se pudieron dejar los equipos conectados y prendidos.
- e. Para poder determinar con certeza y proactivamente si un circuito de T1 esta en función es vital tener el equipo de las escuelas prendido continuamente. En las situaciones señaladas es imposible determinar responsablemente si el T1 esta averiado

2. Desconocimiento del proyecto por parte del personal en las escuelas.

- a. El Departamento lleva a cabo varios proyectos que envuelven computadoras al mismo tiempo. El técnico en algunas ocasiones tiene que aumentar el tiempo de su visita debido a que tiene que explicar (en algunos casos en detalle y a más de una persona) en qué consiste y los beneficios del proyecto.
- b. Personal autorizado que no permite que se realicen los trabajos por desconocer del proyecto. Podemos señalar una escuela donde aún después de conversar con el Superintendente del Distrito o Región no permitieron llevar a cabo los trabajos.
- c. De la misma manera encontramos escuelas que estaban al tanto de la implantación del proyecto y otras, que aunque no estaban al tanto cooperaron luego de presentar la carta del Departamento y una explicación del alcance de la implantación por parte de nuestro técnico.

3. Ubicación, Instalaciones y configuración de los equipos en las escuelas.

- a. El lugar donde se instala el equipo debe de cumplir con los siguientes requisitos o criterios:
 - i. Cercanía al Main Distribution Frame (gabinete donde están los equipos de comunicación).
 - ii. Seguridad: que el equipo esté seguro, preferiblemente con rejas y puertas con candado; que la instalación no represente peligro para la comunidad estudiantil.
 - iii. Que no se moje. Se evita que el equipo esté expuesto al agua



La implementación de la red RedEducar se benefició gabinetes y departamentos con suficiente autorización. De estos materiales podríamos ofrecer sugerencias, ser ágiles y pro-accesos en la elaboración del Departamento con suficiente autorización. De esta manera podríamos ofrecer sugerencias, ser ágiles y pro-accesos en la elaboración del Departamento con suficiente autorización. De esta manera podríamos ofrecer sugerencias, ser ágiles y pro-accesos en la elaboración del Departamento con suficiente autorización. De esta manera podríamos ofrecer sugerencias, ser ágiles y pro-accesos en la elaboración del Departamento con suficiente autorización. De esta manera podríamos ofrecer sugerencias, ser ágiles y pro-accesos en la elaboración del Departamento con suficiente autorización.

Entendemos que las situaciones antes expuestas son un resumen de lo que el personal de DRC Corporation ha experimentado durante la implementación del proyecto. Quedamos aclarar que las situaciones expuestas no se refieren en la totalidad de las escuelas

- | | |
|---|--|
| a | En este particular hemos experimentado todo tipo de dificultades: esclusas que permiten que el técnico se quede hasta la hora que sea necesaria para finalizar el trabajo; hasta esclusas que le solicitan al técnico que abandone las facilidades exclusivas que aún cuando lleguen a las 12:00 m no se lo permite. |
| b | Hemos coordinado esclusas para ciertos períodos en específico, y si se visitadas durante el periodo coordinado encontramos la escuela cerrada. También tenemos tenido casos de esclusas que nos dan seguimiento para saber si efectúa de la instalación del equipo por que accederán del mismo. |
| c | La gestión que realizó el Departamento de mantenimiento las esclusas abiertas durante el verano, nos permitió adelantar el proceso de instalación del proyecto y logramos concentrar la mayoría de las esclusas durante el |
| d | En algunos casos, la esclusa está preparando el área (colocando rejas, otros accesorios) que quedan libres para los equipos. En estos casos se configura ya se guardan otras localizaciones en su lugar final al finalizar los trabajos. |
| e | En terminos de vandalismo, hemos experimentado que las antenas de comunicación y los puertos de acceso ("WavePort") han sido tomadas para practicar el robo al balanc, dejando algunos sectores de la esclusa sin comunicación. |
| f | En tanto que el personal de mantenimiento de planta, se encuentra que el cable para conectar la unidad de backup se habría extraído al día siguiente. |

EXHIBIT A

**Universal Service Administrative Company**
Schools & Libraries DivisionGeorge McDonald
USAC Vice President, SLD

December 5, 2001

Cesar A. Rey Hernandez
Secretary
Puerto Rico Department of Education
P.O. Box 190759
San Juan, Puerto Rico 00919 0759

RE: Presence of Computers to Use Schools and Libraries Universal Service Support Mechanism Discounted Service

Dear Mr. Rey:

The Puerto Rico Department of Education (PRDOE) requested Schools and Libraries Universal Service Support Mechanism discounts for Funding Year 1 (January 1, 1998, through June 30, 1999) for telecommunications services, Internet access, and internal connections, and \$46.2 million in discounts were approved covering all three service categories. Of that total, \$21.7 million has been disbursed for telecommunications and internal connections.

During our review of PRDOE's request for Funding Year 1 discounts, SLD asked for evidence that PRDOE had "secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services," as it had certified on FCC Form 471.

Based on the information provided in response to our request, we concluded that PRDOE had demonstrated that there would be the necessary resources (including computers) to make effective use of the discounted service and approved the requests.

As you know, PRDOE was selected for a beneficiary review during the summer of 2000 to be conducted by Arthur Andersen, LLP on behalf of the Universal Service Administrative Company (USAC). The final report on the beneficiary review of PRDOE concluded as follows:

Cesar A. Rey Hernandez
December 5, 2001
Page 2

[Andersen] noted that there were no (desktop) computers in any of the classrooms visited at either school. Consequently, due to the lack of classroom computers, we ascertained that the PRDOE was not able (as of the date of our site visit) to fully meet the educational objectives (and training requirements) for which E-rate funding had been provided.

The schools that Andersen visited were Bella Vista Elementary School and Dr. Jose M. Lazaro Senior High School. Discounted equipment had been installed at both schools.

USAC is very concerned regarding this finding. Not only did we commit \$46.2 million to PRDOE For Funding Year 1, we also committed \$56.9 million for Funding Year 2 (July 1, 1999, through June 30, 2000), and \$55.6 million for Funding Year 3 (July 1, 2000, through June 30, 2001). PRDOE has Funding Year 4 requests totaling over \$40 million pending with SLD.

In light of USAC's concerns, PRDOE must provide additional information concerning its ability to use Schools and Libraries Support Mechanism funding. Before USAC will commit any additional funding to PRDOE, and before USAC can decide whether we should seek recovery of some of the funds that have been disbursed, we must determine whether the PRDOE has been meeting its responsibility to make effective use of the services for which we have been providing discounts.

To that end, USAC requests a response within 30 days of the date of this letter with detailed information about the acquisition of computers to make use of the connections for which we provided discounts. Please provide specific information about the computer acquisitions. Please provide a list of the schools where equipment has been installed and include the date of the equipment installation. Please also indicate, by school, whether, how many, and when computers were installed to make use of the resulting service.

Furthermore, given this audit finding, we are concerned that you may not have the other necessary resources referenced above. If there are no computers, we are concerned that you may not have secured access to sufficient software, or that you may not have trained your teachers. We are also concerned that you may have not secured access to sufficient maintenance or that you may not have upgraded your electrical connections in these and other schools. Therefore, please also provide us specific and detailed information about your investments in productivity and curriculum software; your progress in delivering professional development to ensure that educators know how to use these new technologies to improve education; your resources to maintain computers and peripherals, and your evaluation of, and any necessary upgrades to, the electrical systems in your schools.

Cesar A. Rey Hernandez
December 5, 2001
Page 3

Because of USAC's significant concerns regarding this matter, USAC will neither commit nor disburse Schools and Libraries Support Mechanism funding to PRDOE's vendors until it has received and evaluated PRDOE's response to this letter. If you have any questions about this request for information, please contact me at 202-776-0200.

Thank you in advance for your cooperation.

Sincerely,



George McDonald
USAC Vice President, SLD

cc: Mark Seifert, Common Carrier Bureau, FCC

Aníbal Cruz
EXHIBIT NO. 5
8-18-03
COMPUGRAFIA, INC.



Estado Libre Asociado de Puerto Rico
Departamento de Educación

Oficina de Sistemas de Información y Apoyo Tecnológico a la Docencia (OSIATD)
Oficina del Director

28 de noviembre de 2001

Sra. Sonia Meléndez
Vice-Presidenta de Operaciones Técnicas y Adiestramientos
DRC Corporation
DRC Center, # 1608 Ponce de León Ave. Suite 500
Santurce, P.R. 00909

Estimada señora Meléndez:

El Departamento de Educación (DE) se encuentra en un proceso de contestar auditorías hechas por la Oficina del Contralor de Puerto Rico y otras investigaciones externas en proceso.

Para satisfacer parte de la información solicitada necesitamos que DRC Corporation nos provea la siguiente información certificada:

1. Listado de equipo entregado – indicar cuáles de ellos están instalados y cuáles no - en cada una de las escuelas del DE como parte de las fases I, II y III del proyecto ReEdúcate. El informe debe incluir el siguiente equipo:
 - 1.1 Marca, modelo y número de serie de todos los servidores entregados en cada escuela.
 - 1.2 Marca, modelo y número de serie de todos los monitores entregados e instalados en cada escuela.
 - 1.3 Marca, modelo y número de serie de todos los UPS entregados e instalados en cada escuela.
 - 1.4 Marca, modelo y número de serie del equipo de comunicaciones instalado en cada escuela con infraestructura de comunicaciones inalámbrica

Necesitamos este informe no más tarde del próximo lunes 3 de diciembre de 2001.

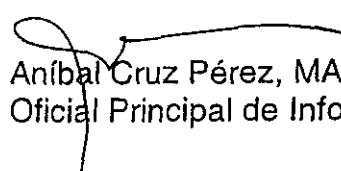


Estado Libre Asociado de Puerto Rico
Departamento de Educación

Oficina de Sistemas de Información y Apoyo Tecnológico a la Docencia (OSIATD)
Oficina del Director

Le anticipamos nuestro agradecimiento por la atención que le brinde a este asunto.

Cordialmente,


Aníbal Cruz Pérez, MA SE
Oficial Principal de Informática

Aníbal Cruz
EXHIBIT NO. 6
8-18-03
COMPUGRAFIA, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

DATA RESEARCH CORPORATION, ET AL.,

Plaintiffs

v.

CESAR REY HERNÁNDEZ, ET AL.,

Defendants

CIVIL NO. 02-1253(GG)

SWORN STATEMENT UNDER THE PENALTY OF PERJURY

COMES NOW, Aníbal Cruz Pérez, MASE, of legal age, married, resident of San Juan, Puerto Rico, in his official capacity as Director of the "Oficina de Sistemas de Informaciones y Apoyo Tecnológico a la Docencia"(OSIATD) and as Principal Information Systems Officer of the D.E., and in representation of the D.E., and under the penalty of perjury does hereby declare and state:

1. I am of the above mentioned personal circumstances
2. I have read the Motion in Opposition to Preliminary Injunction ("Opposition") filed in the above referenced case today on behalf of codefendants D.E. and Rey, which has been drafted by counsel pursuant to information provided to him by the D.E.
3. The averments contained in the Opposition on behalf of D.E. and Rey are true to the best of my knowledge and information, and its Exhibit A, copy of the letter dated Diciembre 5, 2001 from USAC to codefendant Rey was received at the D.E. and constituted one of the principal reasons for the

JORN STATEMENT UNDER THE PENALTY OF PERJURY
AVIL NO. 02-1253(GG)
PAGE NO. 2

decisions taken in January, 2002 not to continue using the services of coplaintiff DRC as a provider to the E-Rate Program in Puerto Rico.

4. As of this date, USAC has not authorized any further payments to Puerto Rico under the E-Rate Program for Year 3, and has not authorized funding for Year 4, which comprises the term from July 1, 2001 through June 30, 2002. Likewise, USAC has not authorized any funding for Year 5, which is scheduled to commence on July 1, 2002.
5. In light of the above, and because USAC makes the disbursements directly to suppliers, even if the contracts that are the object of this case were reinstated by order of the Court, there is no way the D.E. can make any funds available to DRC or make any payments to DRC under said contracts.

I HEREBY DECLARE, under the penalty of perjury, that the above statements are true to the best of my knowledge and belief and I execute this statement in my official capacity and in representation of the Puerto Rico Department of Education.

In San Juan, Puerto Rico, this 11 day of June, 2002.

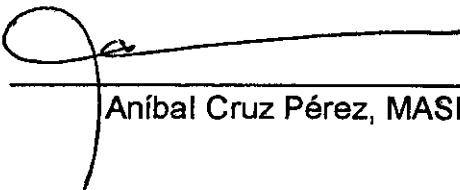

Aníbal Cruz Pérez, MASE

EXHIBIT A

**Universal Service Administrative Company**
Schools & Libraries DivisionGeorge McDonald
USAC Vice President, SLD

December 5, 2001

Cesar A. Rey Hernandez
Secretary
Puerto Rico Department of Education
P.O. Box 190759
San Juan, Puerto Rico 00919 0759

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As you know, PRDOE was selected for a beneficiary review during the summer of 2000 to be conducted by Arthur Andersen, LLP on behalf of the Universal Service Administrative Company (USAC). The final report on the beneficiary review of PRDOE concluded as follows:

Hernandez
5, 2001

[Andersen] noted that there were no (desktop) computers in any of the classrooms visited at either school. Consequently, due to the lack of classroom computers, we ascertained that the PRDOE was not able (as of the date of our site visit) to fully meet the educational objectives (and training requirements) for which E-rate funding had been provided.

The schools that Andersen visited were Bella Vista Elementary School and Dr. Jose M. Lazaro Senior High School. Discounted equipment had been installed at both schools.

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Hernandez
2001

Because of USAC's significant concerns regarding this matter, USAC will neither commit nor disburse Schools and Libraries Support Mechanism funding to PRDOE's vendors until it has received and evaluated PRDOE's response to this letter. If you have any questions about this request for information, please contact me at 202-776-0200.

Thank you in advance for your cooperation.

Sincerely,



George McDonald
USAC Vice President, SLD

cc: Mark Seifert, Common Carrier Bureau, FCC



Anibel Cruz
EXHIBIT NO. 7
8-18-03
COMPUGRAFIA, INC.

Estado Libre Asociado de Puerto Rico
DEPARTAMENTO DE EDUCACIÓN

César A. Rey Hernández, Ph.D.
Secretario

23 de enero de 2002

Sr. Santos Diaz, Presidente
DRC Corporation
#1608 Ave. Ponce de León
Suite 500
Santurce, PR 00909

Ru'd
1/20/02

Estimado señor Diaz:

Hacemos referencia a la enmienda del contrato número 081-2001-0226 - A, formalizado entre el Departamento de Educación y la Compañía DRC Corporation para la extensión de la fecha de los servicios de acceso a Internet contratados hasta el 2004.

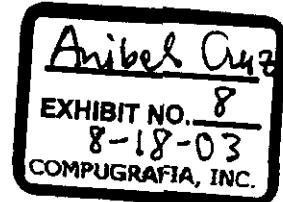
Conforme a la cláusula "DECIMOSEXTA" del contrato número 081-2001-0226 y sus enmiendas los mismos quedarán resueltos y terminados a partir del día de hoy, 23 de enero de 2002.

En cumplimiento con la cláusula "SEGUNDA" deberá someter un informe del trabajo realizado a la fecha de hoy, en o antes del próximo viernes 1ro. de febrero del año en curso. Se ha designado al Prof. Anibal Cruz, para que presida el Comité de Transferencia de Bienes y Servicios, este Comité recibirá los informes y solicitará cualquier información que entendamos sea relevante a estos trabajos.

Además queda cancelado de inmediato el Acuerdo firmado para efectuar los trabajos del año cuatro (4) de E - RATE.

Cordialmente,

César A. Rey Hernández, Ph. D.
Secretario



Estado Libre Asociado de Puerto Rico
DEPARTAMENTO DE EDUCACIÓN

César A. Rey Hernández, Ph.D.
Secretario

15 de febrero de 2002

Sr Santos Diaz
Presidente
DRC Corporation
DRC Center, # 1608 Ave. Ponce de León
Suite 500
Santurce, Puerto Rico 00909

Estimado señor Díaz.

Hacemos referencia a su comunicación del 4 de febrero de 2002, con relación a la terminación del contrato número 081-2001-0226-A.

Bajo el derecho contractual de Puerto Rico las partes contratantes pueden pactar para incluir en sus contratos una cláusula que le confiere a una sola de ellas la facultad de poner fin a la relación contractual sin exigir para ello otro requisito que la mera voluntad de la parte.¹

La facultad del gobierno de terminar unilateralmente un contrato "se estima presente, aunque no se haya estipulado expresamente en los contratos".²

Conforme a la cláusula "DUODÉCIMA" del contrato número 081-2001-0226, según enmendado, nos reiteramos en la terminación del contrato, por razones de sana administración pública.

¹ Recitado por el Tribunal Supremo de Puerto Rico en los casos de Flores v. Municipio de Caguas, 114 DPR 521 (1983), Camacho Arroyo v. ELA, 131 DPR 781 (1992), Municipio de Ponce v. Pedro Roselló 138 DPR 36 (1995)

² Véase Flores v. Municipio de Caguas, supra y Municipio de Ponce v. Pedro Roselló, supra

Carta al Sr. Santos Díaz
Contrato 081-2002-0226
Página 2

La responsabilidad de pago por los servicios rendidos por su compañía al Departamento de Educación se limitará a los servicios y materiales provistos al 22 de febrero de 2002, siempre y cuando estos pagos estén plenamente justificados de acuerdo con los términos del contrato.

Cordialmente,

César A. Ray Hernandez, Ph. D.
Secretario

